

ORIGINAL

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) ROBERT E. EATON SBI# 00202059
 (Name of Plaintiff) (Inmate Number)

Delaware Correctional Center
1181 Paddock Road, Smyrna, Delaware
 (Complete Address with zip code) 19977

(2) Robert E. Eaton SBI# 00202059
 (Name of Plaintiff) (Inmate Number)

Delaware Correctional Center

1181 Paddock Road, Smyrna, Delaware
 (Complete Address with zip code) 19977

(Each named party must be listed, and all names
 must be printed or typed. Use additional sheets if needed)

- 0 7 - 8 4 9 -

(Case Number)

(to be assigned by U.S. District Court)

vs.

CIVIL COMPLAINT

(1) Carl Danberg, Commissioner

(2) Thomas Carroll, Deputy Commissioner

(3) Rick Kearney, Bureau Chief

(Names of Defendants) (continued)

(Each named party must be listed, and all names
 must be printed or typed. Use additional sheets if needed)

• • Jury Trial Requested

FILED

DEC 28 2007

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list caption and case number including year, as well as the name of the judicial officer to whom it was assigned.

(Eaton v. Snyder) et al civil action 01-733- jjf

(Filed - 2001) assigned to honorable Judge Joseph J.

Farnan United States District Court District of Delaware

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • • Yes • • No
B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • • Yes • • No
=====
- C. If your answer to "B" is Yes:
1. What steps did you take? Grievance Procedure Strictly Prohibits the filing of standard grievance forms for Classification.
 2. What was the result? Letters written to the administration.

- D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: Carl Danberg
Employed as Commissioner at Department of Corrections.
Mailing address with zip code: Bureau Of Adult Corrections,
245 McKee Road , Dover , Delaware. 19904

(2) Name of second defendant: Thomas Carroll
Employed as Deputy Commissioner at Dept of Corrections
Mailing address with zip code: Bureau Of Adult Corrections,
245 McKee Road , Dover , Delaware. 19904

(3) Name of third defendant: Rick Kearney
Employed as Bureau Chief at Department of Corrections
Mailing address with zip code: Bureau Of Adult Corrections ,
245 McKee Road , Dover , Delaware. 19904
(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

(PLEASE SEE ATTACHED PAGE)

III. DEFENDANTS (continued).

(4) Name of fourth defendant: Betty Burris

Employed as: Acting Warden at Department of Corrections

Mailing Address: Delaware Correctional Center , 1181 Paddock Road , Smyrna , Delaware. 19977.

(5) Name of fifth defendant: David Pierce

Employed as: Deputy Warden at Department of Corrections

Mailing Address: DeLaware Correctional Center , 1181Paddock Road , Smyrna , Delaware. 19977

(6) Name of sixth defendant: Ronald Hosterman

Employed as: Treatment Administrator at Department of Corrections

Mailing Address: Delaware Correctional Center , 1181 Paddock Road , Smyrna , Delaware. 19977

(7) Name of seventh defendant: Kevin Hazzard

Employed as: Captain/Classification-IBCC at Department of Corrections

Mailing Adress: Delaware Correctional Center , 1181 Paddock Road , Smyrna , Delaware. 19977

(8) Name of eighth defendant: Evelyn Stevenson

Employed as: Classification/Counselor Supervisor at Department of Corrections

Mailing Address: Delaware Correctional Center , 1181 Paddock Road , Smyrna , Delaware. 19977

III. DEFENDANTS (continued).

- (9) Name of ninth defendant: Lt. Porter
Employed as: Classification Officer/M.D.T at Department of Corrections
Mailing Address: Delaware Correctional Center , 1181 Paddock Road , Smyrna , Delaware. 19977
- (10) Name of tenth defendant: Claudette Pettyjohn
Employed as: Counselor/Classification at Department of Corrections
Mailing Address: Delaware Correctional Center , 1181 Paddock Road , Smyrna , Delaware. 19977
- (11) Name of eleventh defendant: Dennis Spence
Employed as: Greentree Counselor/Classification at Department of Corrections
Mailing Address: Delaware Correctional Center , 1181 Paddock Road , Smyrna , Delaware. 19977
- (12) Name of twelfth defendant: D.Thomson
Employed as: Greentree Counselor/Classification at Department of Corrections
Mailing Adress: Delaware Correctional Center, 1181 Paddock Road, Smyrna , Delaware. 19977
- (13) Name of thirteenth defendant: Kenneth Melbourne
Employed as: Counselor Supervisor/Classification at Department of Corrections
Mailing Address: Delaware Correctional Center, 1181 Paddock Road , Smyrna , Delaware. 19977
- (14) Name of fourteenth defendant: David k. Holman
Employed as: Security Chief at Department of Corrections
Mailing Address: Delaware Correctional Center ,1181 Paddock Road , Smyrna , Delaware. 19977
- (15) Name of fifteenth defendant: Sarah Schrader
Employed as : Counselor/Classification at Department of Corrections
Mailing Address: Delaware Correctional Center, 1181 Paddock Road , Smyrna , Delaware. 19977

III. DEFENDANTS (continued)

(16) Name of sixteenth defendant: Beau Biden

Employed as: Attorney General at Department of Justice

Mailing Address: Department of Justice

Carvel State Building.

820 North French Street, 6th floor.

Wilmington ,Delaware. 19801

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. 8th Amendment violation - On or about March 6, 2007 and throughout the remainder of the year(2007) the plaintiff, Robert Eaton, wrote letters, made personal contact with many of the defendants and had family members communicate messages to the defendants about plaintiff's medical ailments.
Doctor McDonald - Chronic-Care Infectous Desease Specialist for the Department of Corrections had diagnosed plaintiff as being unfit to participate in intense programing.
Plaintiff was classified to the Greentree Program despite his pleas to numerous authorities about his health.
Plaintiff has been written-up, found guilty without a hearing, given points against his classification and moved to a higher level of security. Currently, plaintiff is being punished for following the advice of his doctor.
2. plaintiff's medical ailments.
Doctor McDonald - Chronic-Care Infectous Desease Specialist for the Department of Corrections had diagnosed plaintiff as being unfit to participate in intense programing.
Plaintiff was classified to the Greentree Program despite his pleas to numerous authorities about his health.
Plaintiff has been written-up, found guilty without a hearing, given points against his classification and moved to a higher level of security. Currently, plaintiff is being punished for following the advice of his doctor.
3. his pleas to numerous authorities about his health.
Plaintiff has been written-up, found guilty without a hearing, given points against his classification and moved to a higher level of security. Currently, plaintiff is being punished for following the advice of his doctor.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Plaintiff seeks from each defendant by their knowing reviewing or having an understanding of the circumstances surrounding plaintiff's ordeal without making a concious effort to report it. Monetary and compensatory damages, mental and emotional distress damages in the amount of

2. \$ 1, 500, 000.00 per defendant.

In addition - defendant Ronald Hosterman is liable
for damages caused by discriminatory comments that are
in violation of the constitution of the united states.
Plaintiff seeks relief in the form of \$ 11,000,000.00

3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of December, 2007.

Robert Edward Elton
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

Certificate of Service

I, Robert E. Eaton, hereby certify that I have served a true

And correct cop(ies) of the attached: 1983 civil action

upon the following

parties/person (s):

TO: CARL DANBERG
commissioner
Bureau of corrections
245 McKee Road
Dover, Delaware 19904

TO: Thomas CARROLL
Deputy commissioner
Bureau of corrections
245 McKee Road
Dover, Delaware 19904

TO: RICK Kearney
Bureau chief
Bureau of corrections
245 McKee Road
Dover, Delaware 19904

TO: Betty Buttis
Acting warden
Department of corrections
1181 Paddock Road
Smyrna, Delaware 19977

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 26 day of December, 2007

Robert Eaton

CERTIFICATE
OF
SERVICE

To : David Pierce
Deputy warden
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Ronald Hosterman
Treatment Administrator
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Kevin Hazzard
Captain/classification
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Evelyn Stevenson
classification officer
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Lt Porter
classification officer
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Claudette Pettyjohn
counselor
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Dennis Spence
counselor
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : D. Thomson
counselor
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Kenneth Melbourne
counselor
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

(Other side Please)

To : DAVID K. HOLMAN
Security chief
Department of corrections
118 Paddock Road
Smyrna, Delaware, 19977

To : SARAH SCHRADER
Counselor
Department of corrections
1181 Paddock Road
Smyrna, Delaware, 19977

To : Beau Biden
Attorney General
Department of Justice
Carvel State Building
820 North French Street
Wilmington, Delaware 19801

By placing same in a sealed envelope and
depositing same in the United States mail at the
Delaware Correctional Center, Smyrna, Delaware, 19977
on this 26th day of December, 2007

Robert Eaton

